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5/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Turner, Jr. and Mathur

Serial No.: 09/714,883

Group Art Unit: 1646

Filed: 11/16/2000

Examiner: O. Chernyshev

For: Novel Human Secreted Proteins and Attorney Docket No.: LEX-0092-USA  
Polynucleotides Encoding the Same

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Box AF**

Assistant Commissioner for Patents  
Arlington, VA 22202

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed February 19, 2002 ("Final Action"), finally rejecting claims 1-3.

The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$160.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892.

This communication is believed to be timely filed, and therefore Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to charge any underpayment or credit any overpayment to Lexicon Genetics Incorporated Deposit Account No. 50-0892.

Respectfully submitted,

*David W. Hibler*

David W. Hibler  
Agent For Applicants

Reg. No. 41,071

05/22/2002 AWWDAF1 00000022 500892 09714883

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LEXICON GENETICS INCORPORATED  
(281) 863-3399



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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/714,883
		Filing Date	Nov 16, 2000
		First Named Inventor	Turner, Jr., C. Alexander
		Group Art Unit	1646
		Examiner Name	O. Chernyshev
Total Number of Pages in This Submission	4	Attorney Docket Number	LEX-0092-USA

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### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (Original and Copy) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Postcard
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lexicon Genetics Incorporated Lance K. Ishimoto Reg. No. 41,866	
Signature	Lance K. Ishimoto by David W. Hibler DAVID W. HIBLER 24231 Reg. No. 41,866	
Date	May 17, 2002	

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Arlington, VA 22202 on this date:

Typed or printed name	Michelle Klein
Signature	
Date	May 17, 2002

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number.

**FEE TRANSMITTAL  
for FY 2002**

*Patent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27

<b>FEE TRANSMITTAL</b> <b>for FY 2002</b> <i>Patent fees are subject to annual revision.</i>		<b>Complete and file by</b> <b>TECH CENTER 1600</b> <b>MAY 23 2002</b>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>1600/2002</b>
<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$)</b> <b>160.00</b>		<b>Attorney Docket No.</b> <b>LEX-0092-USA</b>

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)					
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None	<b>3. ADDITIONAL FEES</b> Large Entity      Small Entity					
<input checked="" type="checkbox"/> Deposit Account					Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
					105	130	205	65	Surcharge - late filing fee or oath	
					127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
					139	130	139	130	Non-English specification	
					147	2,520	147	2,520	For filing a request for <i>ex parte</i>	
					112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
					113	1,840*	113	1,840**	Requesting publication of SIR after Examiner action	
					115	110	215	55	Extension for reply within first month	
					116	400	216	200	Extension for reply within second month	
					117	920	217	460	Extension for reply within third month	
					118	1,440	218	720	Extension for reply within fourth month	
					128	1,960	228	980	Extension for reply within fifth month	
					119	320	219	160	Notice of Appeal	160.00
					120	320	220	160	Filing a brief in support of an appeal	
					121	280	221	140	Request for oral hearing	
					138	1,510	138	1,510	Petition to institute a public use proceeding	
					140	110	240	55	Petition to revive - unavoidable	
					141	1,280	241	640	Petition to revive - unintentional	
					142	1,280	242	640	Utility issue fee (or reissue)	
					143	460	243	230	Design issue fee	
					144	620	244	310	Plant issue fee	
					122	130	122	130	Petitions to the Commissioner	
					123	50	123	50	Processing fee under 37 CFR 1.17(d)	
					126	180	126	180	Submission of Information Disclosure Stmt	
					581	40	581	40	Recording each patent assignment per property (times number of properties)	
					146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
					149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
					179	740	279	370	Request for Continued Examination (RCE)	
					169	900	169	900	Request for expedited examination of a design application	
					Other fee (specify) _____				SUBTOTAL (3) (\$)	
					*Reduced by Basic Filing Fee Paid				160.00	
**or number previously paid, if greater; For Reissues, see above										

*\*\*or number previously paid, if greater; For Reissues, see above*

<sup>1</sup>Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 160.00)

SUBMITTED BY					Complete (if applicable)	
Name (Print/Type)	Lance K. Ishimoto	Registration No. (Attorney/Agent)	41866	Telephone	(281) 863-3333	
Signature	<i>Lance K. Ishimoto by David W. Hibler DAVID W. HIBLER REC. NO. 44,071</i>			Date	May 17, 2002	

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